

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

EDWARD HENDERSON,

PLAINTIFF

V.

NO. 2:05CV14-WAP-EMB

**LONE STAR INDUSTRIES, INC.,
D/B/A MEMPHIS REDIMIX DIVISION,**

DEFENDANT

REPORT AND RECOMMENDATION

Upon further review of the file and record of this action, the Court finds plaintiff filed the Complaint alleging racial discrimination against his employer on January 7, 2005. By Order dated March 28, 2005, the Court granted plaintiff's counsel's motion to withdraw his representation, plaintiff having interposed no objection. Pursuant to said Order, this case was stayed, and plaintiff was directed to either have new counsel enter an appearance or advise the Court in writing of his decision to proceed in this action *pro se* on or before April 25, 2005. Plaintiff was advised that should he fail to comply with that Order, it would be recommended that his case be dismissed.

As of this date, plaintiff has failed to make any contact with the Court, and the docket reflects there has been no activity in this case since entry of the March 28th Order. As such, I find plaintiff has lost interest in this lawsuit, and he does not wish to proceed. Therefore, it is recommended that the Complaint be dismissed with prejudice for plaintiff's failure to prosecute and for his failure to obey an order of the Court pursuant to FED.R.CIV.P. 41(b).

The parties are referred to Local Rule 72.2(D) for the applicable procedure in the event any party desires to file objections to the findings and recommendations herein contained. The

parties are warned that any such objections are required to be in writing and must be filed within ten days of this date. Failure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415 (5th Cir. 1996).

Respectfully submitted this, the 6th day of May, 2005.

/s/ Eugene M. Bogen
U. S. MAGISTRATE JUDGE